

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	CUID No.	CA0039 (Salinas)
)		
TCI Cablevision of California, Inc.)		
)		
Refund Plan)		

ORDER

Adopted: March 20, 2002

Released: March 22, 2002

By the Acting Chief, Financial Analysis and Compliance Division, Cable Services Bureau:

1. In this Order we consider the refund plan filed on May 19, 1997 by the above-referenced operator ("Operator")¹ in the above-referenced community pursuant to our Order, DA 97-579² ("Refund Order").³ Our review of Operator's refund plan⁴ reveals that the refund plan does not fulfill the requirements of the Refund Order. Operator incorrectly calculated the overcharges for each refund period. The proper methodology for calculating refund liability is to multiply the number of subscribers by the overcharge (the actual rate minus the maximum permitted rate) for the period in issue.

2. We calculated Operator's refund liability as follows: For the period from July 15, 1994 through December 31, 1994, we calculated an overcharge of \$1.23 per month per subscriber in accordance with the Refund Order. Our total calculation, including five percent franchise fees and interest through April 30, 2002, equals \$226,973.00. We will order Operator to refund this amount, plus any additional interest accrued to the date of refund, to its CPST subscribers within 60 days of the release of this Order.

3. Accordingly, IT IS ORDERED, that Operator's refund plan IS NOT APPROVED.

4. IT IS FURTHER ORDERED, pursuant to Section 76.962 of the Commission's rules, 47 C.F.R. § 76.962, that Operator shall refund to subscribers in the franchise area referenced above the total amount of \$226,973.00, plus interest accruing from April 30, 2002 to the date of refund, within 60 days of the release of this Order.

5. IT IS FURTHER ORDERED, pursuant to Section 76.962 of the Commission's rules, 47

¹ The term "Operator" includes Operator's predecessors and successors in interest.

² See In the Matter of TCI Cablevision of California, Inc., DA 97-579, 12 FCC Rcd 20971 (1997).

³ The Refund Order required Operator to determine the overcharges to cable programming service tier ("CPST") subscribers for the period stated in the Refund Order and file a report with the Chief, Cable Services Bureau, stating the cumulative refund amount determined (including franchise fees and interest), describing the calculation thereof, and describing its plan to implement the refund within 60 days of Commission approval of the plan.

⁴ Operator calculated a total refund liability of \$70,237.00.

C.F.R. § 76.962, that Operator file a certificate of compliance with the Chief, Cable Services Bureau, within 90 days of the release of this Order certifying its compliance with this Order.

6. This action is taken pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION

Kathleen F. Costello, Acting Chief
Financial Analysis and Compliance Division
Cable Services Bureau